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Entered on Docket
November 13, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787

Wells Fargo Bank, N.A.
09-75443 / 0148372485

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Robert F. Cosmidis, Robert F. Cosmidis

Debtors.

BK-S-08-22043-bam

MS Motion No.
Date: 11/3/2009
Time: 1:30 pm

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the post-
 2 petition arrearages currently due as follows:

3	4 Monthly Payments at \$582.37	\$ 2,329.48
4	(August 1, 2009 – November 1, 2009)	
5	5 Late Charges at \$29.41 each	\$ 147.05
6	(June 16, 2009 – October 16, 2009)	
7	Motion Filing Fee	\$ 150.00
8	Attorneys Fees	\$ 750.00
9	Less Suspense	– (\$ 350.60)
10	Total Arrearages	\$ 3,025.93
11	Less immediate payment of	– (\$ 1,980.00)
12	(ck # 5847290231: \$660, mo # 09-149359777: \$660.	
13	ck # 5847292272: \$660)	
14	Total amount to cure	\$1,045.93

15 The above arrearage shall be paid in five (5) monthly installments of \$174.32 and one (1) final
 16 monthly installment of \$174.33. These payments shall be in addition to the regular monthly payment and
 17 shall be due on or before the 20th day of the month commencing with the November 20, 2009 payment
 18 and continuing throughout and concluding on or before April 20, 2010.

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
 20 Debtors at least five business days' notice of the time, place and date of sale.

21 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume and
 22 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
 23 with the December 1, 2009 . payment, on Secured Creditor's Trust obligation, encumbering the subject
 24 Property, generally described as 7300 Pirates Cove Rd. , Las Vegas, NV 89145, and legally described as
 25 follows:

26 PACEL I:
 ONE (1) ALLOCATED INTEREST AS TENANTS-IN-COMMON AND TO THE COMMON AREA
 OF PIRATES COVE CONDOMINIUMS UNIT 2. (A COMMON INTEREST COMMUNITY
 CONDOMINIUM DEVELOPMENT). AS SHOWN BY MAP THEREOF ON FILE IN BOOK 55 OF
 PLATS, PAGE 38 RECORDED JANUARY 27, 1993 IN BOOK 930127 AS DOCUMENT NO. 01187
 ON THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA. SAID ALLOCATED
 INTEREST TO BE A FRACTION. THE NUMERATOR OF WHICH SHALL BE SUBJECT TO THE
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF
 EASEMENTS FOR MARQUESA RECORDED ON OCTOBER 21, 2004 IN BOOK 20041021 AS
 DOCUMENT NO. 03152. OFFICIAL RECORDS AND ANY SUBSEQUENT AMENDMENTS
 AND/OR SUPPLEMENTS THERETO.

1 EXCEPTING THEREFROM ALL UNITS AND BUILDINGD LOCATED WITHIN THE ABOVE
2 REFERENCED PLAT.

3 RESERVING THEREFROM THE RIGHT TO POSSESION OF ALL THOSE AREAS DELINEATED
4 AS "LIMITED COMMON ELEMENTS" UPON PIRATES COVE CONDOMINIUMS UNIT 2 AS
DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

5 FURTHER RESERVING THEREFROM FOR THE BENEFIT OF THE OWNERS OF ALL UNITS
6 WITHIN PIRATES COVE CONDOMINIUMS UNIT 2 (EXCEPT THE UNIT REFERRED TO ON
7 PARCEL II, HEREIN) NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND
8 RECREATIONAL USE ON, OVER AND ACROSS THE COMMON ELEMENTS, AS PROVIDED
FOR AND SUBJECT TO THE DECLARATION OF CEOVNANTS, CONDITIONS, AND
RESTRICTIONS.

9 PARCEL II:

10 UNIT ONE HUNDRED ONE (101) IN BUILDING NINE (9) AS SHOWN UPON THE ABOVE
11 REFERENCED PLAT.

12 PARCEL III:

13 THE EXCLUSIVE RIGHT OF USE, POSSESSION AND OCCUPANCY OF THE PORTIONS
14 DESIGNATED AS THOSE "LIMITED COMMON ELEMENTS" (INCLUDING BUT BOT LIMITED
15 TO PATIO(S), BALCONY (IES), THE ENTRY DESIGNATED FOR THE SOLE USE OF SAID UNIT
16 AND PARKING SPACE(S) AS DEFINED IN AND SUBJECT TO THE DECLARATION OF
17 COVENANTS, CONDITIONS AND RESTRICTIONS), WHICH ARE APPURTENANT TO
18 PARCELS I AND II DESCRIBED ABOVE.

19 PARCEL IV:


20 A NON-EXCLUSIVE RIGHT AND EASEMENT OF INGRESS AND EGRESS AND OF USE AND
21 ENJOYMENT IN, TO AND OVER THOSE PROTIONS OF PIRATES COVE CONDOMINIUMS
22 UNIT 2 INCLUDING BUT NOT LIMITED TO "COMMON RECREATION AREA, PRIVATE
23 STREETS, AND COMMON ELEMENTS". AS DEFINED IN AND SUBJECT TO THE
24 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, WHICH EASEMENT IS
25 APPURTENANT TO PARCEL I AND II.

26 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's
Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such
Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by
the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the
delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the

1 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
2 possession thereof.

3 Submitted by:
4 WILDE & ASSOCIATES

5
6 By

 #10235
7 **GREGORY L. WILDE, ESQ.**
8 Attorneys for Secured Creditor
9 208 South Jones Boulevard
Las Vegas, Nevada 89107

10 APPROVED AS TO FORM & CONTENT:

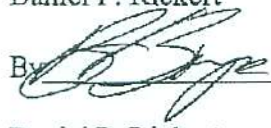
11 Kathleen A Leavitt

12 By


13 Kathleen A Leavitt
14 Chapter 13 Trustee
15 201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Daniel P. Rickert

By


Daniel P. Rickert
Attorney for Debtors
1118 E. Carson Avenue
Las Vegas, NV 89101

Nevada Bar No. 00870